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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,010	10/11/2001	Brett Matthew Keating	2100749-991140	2662
7590 09/22/2004			EXAMINER	
Gray Cary Ware & Freidenrich LLP 1755 Embarcadero Road Palo Alto, CA 94303			PAULA, CESAR B	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/977,010	Applicant(s) KEATING, BRETT MATTHEW	
	Examiner CESAR B PAULA	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9/25/02</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This action is responsive to the application, and IDS filed on 10/11/2001, and 9/25/2002.

This action is made Non-Final.

2. Claims 1-36 are pending in the case. Claims 1, 10, 19, 27, and 35-36 are independent claims.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 10/11/2001 has been entered, and considered by the examiner.

Priority

4. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e), and based on U.S. provisional application # 60/240,437 filed on 10/13/2000, which papers have been placed of record in the file.

Drawings

5. The drawings filed on 10/11/2001 have been approved by the examiner.

Claim Objections

6. Claims 7, 16, 24, and 32 are objected to because of the following informalities: “if the code associated with the location expression are consistent” in line 2. There is a grammatical disagreement between the singular “code” and the verb, which refers to a plurality of codes. Appropriate correction is required.
-

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claim 2-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claims 2-9 recite the limitation "the path expressions" in claim 2, lines 2-3. There is insufficient antecedent basis for this limitation in the claim. It is unclear which expressions this phrase refers to, since, there are no prior “path expressions” in this claim and claim 1.
10. Claims 2-9 recite the limitation "the anchors" in claim 2, line 4. There is insufficient antecedent basis for this limitation in the claim. It is unclear which anchors this phrase refers to, since, there are no prior “anchors” in this claim and claim 1.

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11. Claims 2-9 recite the limitation "the location expressions" in claim 2, line 5. There is insufficient antecedent basis for this limitation in the claim. It is unclear which expressions this phrase refers to, since, there are no prior "location expressions" in this claim and claim 1.

12. Claims 2-9 recite the limitation "the identified nodes" in claim 2, line 5. There is insufficient antecedent basis for this limitation in the claim. It is unclear which nodes this phrase refers to, since, there is only one "anchor node" being identified in this claim or claim 1.

13. Claim 4 recites the limitation "the lowest node" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is unclear which node this phrase refers to, since, there is no prior "lowest node" being identified in this claim or claims it depends on.

14. Claims 10-18 recite the limitation "the location expression" in claim 10, line 5. There is insufficient antecedent basis for this limitation in the claim. It is unclear which expression this phrase refers to, since, there are no prior "location expression" in this claim.

15. Claims 11-18 recite the limitation "the path expressions" in claim 11, line 2. There is insufficient antecedent basis for this limitation in the claim. It is unclear which expressions this phrase refers to, since, there are no prior "path expressions" in this claim or claim 10.

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16. Claims 11-18 recite the limitation "the anchors" in claim 11, line 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear which anchors this phrase refers to, since, there are no prior "anchors" in this claim and claim 10.

17. Claims 11-18 recite the limitation "the location expressions" in claim 11, line 4. There is insufficient antecedent basis for this limitation in the claim. It is unclear which expressions this phrase refers to, since claim 1, only recites a single "location expression" in claim 11.

18. Claims 11-18 recite the limitation "the identified nodes" in claim 11, lines 4-5. There is insufficient antecedent basis for this limitation in the claim. It is unclear which nodes this phrase refers to, since, there is only one "anchor node" being identified in this claim or claim 10.

19. Claim 13 recites the limitation "the lowest node" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is unclear which node this phrase refers to, since, there is no prior "lowest node" being identified in this claim or claims it depends on.

20. Claims 19-34 recite the limitation "the path expressions", "the location expressions", and "the identified nodes" in claims 19, and 27, lines 6, and 9. There is insufficient antecedent basis for this limitation in the claim. There are no prior "path expressions", "location expressions", and "identified nodes" in this claim.

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21. Claims 20-25 recite the limitation "the location expression" in claims 20, and 28, line 3.

There is insufficient antecedent basis for this limitation in the claim. It is unclear which expression this phrase refers to, since, there are several "location expressions" recited in claim 19.

22. Claims 21, and 29 recite the limitation "the lowest node" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is unclear which node this phrase refers to, since, there is no prior "lowest node" being identified in this claim or claims it depends on.

This is not an exhaustive list of any potential lack of antecedent basis issues. And Examiner requests that applicant review all the claims carefully for other lack of antecedent basis issues.

23. Claim 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 35-36 recite the limitation "where due to the way tables are structured in HTML" in lines 9-10. This sentence is incomplete. It is not clear what happens due to the table structure in HTML". It is unclear what is the way the tables are structured. It is not evident which version of HTML is being referenced in the claims.

Claim Rejections - 35 USC § 102

24. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

25. ~~Claims 1, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by DeRose et al, hereinafter DeRose (Pat.# 5,893,109, 4/6/1999).~~

Regarding independent claim 1, DeRose discloses the definition of a table of contents, having only significant elements of a document, such as a book element, and two section elements, which are represented by respective book—*anchor node--*, and section nodes (col.18, lines 59-67, and fig.17-18). In this case, the book node—*context node--* represents an element in the table of content, which is a summarization of the contents of the document used to extract the table of contents—*template for a particular node of content*.

Moreover, DeRose discloses the generation of links—*location expression--* for the titles of the elements of the document (col.18, lines 59-67, col. 19, lines 7-46, and fig.17-18). In other words, the links connect a user viewing the table of contents with contents representing the links of the nodes.

Furthermore, DeRose teaches that as a result of the identification of the elements or nodes, links with title names of the elements are generated and placed in the table of contents document (col.18, lines 59-67, col. 19, lines 7-46, col.6, lines6-14, and fig.17-18). In this case,

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each time the elements associated with a main element, such as the book element, links are generated with the titles of the elements are generated in order to properly generate the table of contents—summarized document or varying document in that the user selects the table of contents—a condensed version of the document-- instead of the whole document.

Claim 10 is directed towards a method for implementing the system found in claim 1, and therefore is similarly rejected.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeRose et al. (Pat. # 6,546,406, and 6,105,044), Kanevsky (Pat. # 6,300,947), Thompson, J., Generalizing An XSL Solution, <http://www.biglist.com/lists.xsl-list/archives/200002/msg00454.html>, 2/15/2000, and Clark, et al, XML Path Language (XPath), <http://www.w3.org/TR/1999/PR-xpath-19991008.html>.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is **(703) 306-5543 (571) 272-2148 as of 10/12/04**. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (703) 308-5465 ((571) 272-4124 as of 10/12/04). However, in such a case, please allow at least one business day.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

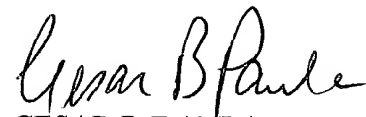
Any response to this Action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


CESAR B PAULA
Patent Examiner
Art Unit 2178

9/20/04